

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the district school committee.

Sec. 10. 20-A MRSA §8468, sub-§1, as corrected by RR 1991, c. 2, §64 and amended by PL 2003, c. 545, §5, is further amended to read:

1. Establishment. A career and technical education region may establish a reserve fund for a school construction project, the acquisition or reconstruction of a specific item or type of capital improvement ~~or~~, the acquisition of a specific item or type of capital equipment ~~or any of the expenditures listed under section 1485, subsection 1, paragraph A by establishing such a reserve fund including a request~~ in the region budget, which must include a description of the purpose of the reserve fund, pursuant to this chapter. The cooperative board is the trustee of such a reserve fund.

Sec. 11. 20-A MRSA §8468, sub-§3, as amended by PL 1991, c. 518, §32, is further amended to read:

3. Expending money from a reserve fund funds. The cooperative board may expend a sum in a reserve fund if permitted by the conditions of any indebtedness secured by the reserve fund and if approved in the region budget. A separate article for that purpose must be included in the region budget proposal. The cooperative board may expend funds from the reserve fund by a vote of the board without the expenditure's having to be included in the region budget or region budget proposal in accordance with the procedure in subsection 4:

A. In the event of an emergency that requires the immediate expenditure of funds and when, in responding to the emergency, a vote of the region for permission is cost-prohibitive; or

B. When the expenditure is required by law.

Sec. 12. 20-A MRSA §8468, sub-§4 is enacted to read:

4. Procedure for expending money from reserve funds by vote of board. The procedure for the cooperative board to expend funds from the reserve fund pursuant to subsection 3, paragraph A or B must be as follows.

A. The cooperative board shall provide public notice of the regular or special meeting at which the vote to expend funds from the reserve fund will be taken.

B. The cooperative board shall hold a public hearing prior to the vote to expend funds from the reserve fund.

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the cooperative board.

See title page for effective date.

CHAPTER 589

S.P. 724 - L.D. 2051

An Act To Amend the Qualifications for the State Nuclear Safety Inspector

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §663-A, sub-§1, as enacted by PL 2007, c. 539, Pt. KK, §2, is amended to read:

1. Qualifications. The State Nuclear Safety Inspector must be an individual knowledgeable in the field of commercial nuclear power production and possess, at a minimum, a ~~master's~~ bachelor's degree with major work in nuclear, mechanical, electrical or chemical engineering and have at least ~~3~~ 4 years' experience in nuclear operations.

See title page for effective date.

CHAPTER 590

H.P. 1461 - L.D. 2057

An Act To Ensure an Efficient Contracting Process for the Department of Health and Human Services

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §20002, sub-§3, as amended by PL 2011, c. 657, Pt. AA, §5, is further amended to read:

3. Tobacco use by juveniles. To enforce the State's laws relating to the sale and use of tobacco products by juveniles and to coordinate state and local activities related to those provisions. The department shall take all necessary actions to ensure compliance with the Synar Act, 42 United States Code, Section 300X-26, including the preparations of reports for the signature of the Governor. All law enforcement agencies, all state departments, including the Department of Public Safety, and municipalities shall cooperate with the department in these efforts.

The department may enter into any contracts or agreements necessary or incidental to the performance of its duties under this section, subject to section 20005, subsection 6 and ~~Title 22-A, section 20005-A 214~~. The department shall provide or assist in the provision of voluntary training programs regarding the sales of tobacco products to juveniles; and

Sec. 2. 5 MRSA §20005-A, as amended by PL 2017, c. 407, Pt. A, §§26 and 27, is repealed.

Sec. 3. 22-A MRSA §214, sub-§4, ¶A, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

A. The commissioner ~~shall~~ may hold at least one informational meeting at least ~~30~~ 14 days before the due date for submission of the notice of intent to bid. ~~Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the~~ The commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

Sec. 4. 22-A MRSA §214, sub-§4, ¶B, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

B. The commissioner ~~shall~~ may require any interested party to submit a notice of intent to bid at least ~~30~~ 7 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

Sec. 5. 34-B MRSA §1208-A, as amended by PL 1995, c. 560, Pt. K, §21 and c. 691, §5, is repealed.

See title page for effective date.

CHAPTER 591

S.P. 638 - L.D. 1866

An Act To Increase the Automatic Draft Authority for Licensed Insurance Producers

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation must take effect before the end of the 90-day period to address, as soon as possible, the increased frequency of severe weather occurrences between December and April and the resulting property damage claims; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §1402, sub-§1, ¶C, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

C. Licensed producers authorized by contract to settle and pay claims within a specified limit established by the insurer or fraternal benefit society not to exceed ~~\$5,000~~ \$10,000 or, temporarily under the same circumstance described in section 1475, \$20,000;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 17, 2020.

CHAPTER 592

H.P. 1358 - L.D. 1892

An Act To Make Changes to the So-called Dig Safe Law

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the September 16, 2019 explosion in Farmington demonstrates the tragic consequences that can result from unmarked underground liquefied propane gas pipes; and

Whereas, the exemption of certain underground liquefied propane gas facilities from the so-called dig safe law poses a clear danger to excavators and the public; and

Whereas, this legislation must take effect before the expiration of the 90-day period to address, as soon as possible, this significant safety risk by making liquefied propane gas distribution systems that have underground pipes subject to the so-called dig safe law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §3360-A, sub-§1, ¶E, as amended by PL 2011, c. 588, §2, is further amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited